

IRVIN WALL

IBLA 82-1024

Decided March 15, 1983

Appeal from decision of the Oregon State Office, Bureau of Land Management, rejecting in part, noncompetitive oil and gas lease offer OR 32715.

Affirmed.

1. Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases: First-Qualified Applicant

A junior over-the-counter noncompetitive oil and gas lease offer is properly rejected where the lands have been leased to a senior offeror and the junior offeror fails to provide valid reasons why the senior offer should be considered defective.

APPEARANCES: Irvin Wall, pro se.

OPINION BY ADMINISTRATIVE JUDGE FRAZIER

Irvin Wall has appealed the June 7, 1982, decision of the Oregon State Office, Bureau of Land Management (BLM), rejecting in part his oil and gas lease offer OR 32715, filed September 2, 1981, to the extent that it described lands included in oil and gas leases OR 22522 and OR 22527. In his statement of reasons, appellant asserts that lease offers OR 22522 and OR 22527 were defective and that the leases should be canceled because the applicant failed to provide a statement of qualifications to hold the leases, or reference one previously filed.

[1] Oil and gas leases OR 22522 and OR 22527 were issued on October 30, 1981, and February 16, 1982, effective November 1, 1981 and March 1, 1982, respectively, pursuant to offers filed on September 28, 1979, by Paul D. Calacecchi. In response to question number six on the lease offer, Calacecchi indicated that he was the sole party in interest in the offer and lease if

issued. As the sole party in interest, the offeror was not required to file a separate statement of qualifications. 43 CFR 3102.2-1(c), 3102.2-2. Wall's objections to Calacecchi's lease is therefore incorrect, and BLM properly rejected his offer in part.

Because a noncompetitive oil and gas lease may only be issued to the first-qualified applicant, 43 U.S.C. § 226(c) (1976), a junior offer is properly rejected to the extent that it includes land designated in a senior offer and the junior offeror fails to provide valid reasons why the senior offer should be considered defective. Irvin Wall, 68 IBLA 243 (1982).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Gail M. Frazier
Administrative Judge

We concur:

Douglas E. Henriques
Administrative Judge

Anne Poindexter Lewis
Administrative Judge

